



General Assembly

Substitute Bill No. 934

January Session, 2005

* _____SB00934JUD____040405_____*

**AN ACT PERMITTING STEM CELL RESEARCH AND BANNING THE
CLONING OF HUMAN BEINGS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) As used in this section
2 and sections 2 to 4, inclusive, of this act:

3 (1) "Institutional review committee" means the local institutional
4 review committee specified in 21 USC 360j(g)(3)(A)(i), as amended
5 from time to time, and, when applicable, an institutional review board
6 established in accordance with the requirements of 45 CFR 46, Subpart
7 A, as amended from time to time.

8 (2) "Cloning of a human being" means inducing or permitting a
9 replicate of a living human being's complete set of genetic material to
10 develop into the stage of human development after the embryonic
11 stage when cells undergoing division are sufficiently differentiated
12 such that organ formation is observable.

13 (3) "Embryonic stem cells" means cells created through the joining of
14 a human egg and sperm or through nuclear transfer that are
15 sufficiently undifferentiated such that they cannot be identified as
16 components of any specialized cell type.

17 (4) "Nuclear transfer" means the replacement of the nucleus of a

18 human egg with a nucleus from another human cell.

19 (5) "Eligible institution" means (A) a nonprofit, tax-exempt academic
20 institution of higher education, (B) a hospital that conducts biomedical
21 research, or (C) any entity that conducts biomedical research or
22 embryonic or adult stem cell research

23 (b) No person shall knowingly (1) engage or assist, directly or
24 indirectly, in the cloning of a human being, (2) implant human
25 embryos created by nuclear transfer into a uterus or a device similar to
26 a uterus, or (3) facilitate human reproduction through clinical or other
27 use of human embryos created by nuclear transfer. Any person who
28 violates the provisions of this subsection shall be fined not more than
29 one hundred thousand dollars or imprisoned not more than ten years,
30 or both. Each violation of this subsection shall be a separate and
31 distinct offense.

32 (c) (1) A physician or other health care provider who is treating a
33 patient for infertility shall provide the patient with timely, relevant
34 and appropriate information sufficient to allow that person to make an
35 informed and voluntary choice regarding the disposition of any
36 embryos or embryonic stem cells remaining following an infertility
37 treatment.

38 (2) A patient to whom information is provided pursuant to
39 subdivision (1) of this subsection shall be presented with the option of
40 storing, donating to another person, donating for research purposes, or
41 otherwise disposing of any unused embryos or embryonic stem cells.

42 (3) A person who elects to donate for research purposes any
43 embryos or embryonic stem cells remaining after receiving infertility
44 treatment shall provide written consent for that donation and shall not
45 receive monetary payment, direct or indirect, for such embryos or
46 embryonic stem cells.

47 (4) Any person who violates the provisions of this subsection shall
48 be fined not more than fifty thousand dollars or imprisoned not more

49 than five years, or both. Each violation of this subsection shall be a
50 separate and distinct offense.

51 (d) A person may conduct research involving embryonic stem cells,
52 provided (1) the research is conducted with full consideration for the
53 ethical and medical implications of such research, (2) prior to
54 conducting such research, the person provides to the Commissioner of
55 Public Health documentation verifying that any human embryos or
56 eggs used in such research have been donated voluntarily in
57 accordance with the provisions of subsection (c) of this section, (3) the
58 general research program under which such research is conducted is
59 reviewed and approved by an institutional review committee, as
60 required under federal law, and (4) the specific protocol used to derive
61 stem cells from an embryo is reviewed and approved by an
62 institutional review committee.

63 (e) The Commissioner of Public Health shall enforce the provisions
64 of this section and may adopt regulations, in accordance with the
65 provisions of chapter 54 of the general statutes, relating to the
66 administration and enforcement of this section. The commissioner may
67 request the Attorney General to petition the Superior Court for such
68 order as may be appropriate to enforce the provisions of this section.

69 Sec. 2. Section 19a-32c of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective July 1, 2005*):

71 (a) There is created a Biomedical Research Trust Fund which shall
72 be a separate nonlapsing fund. The trust fund may accept transfers
73 from the Tobacco Settlement Fund and may apply for and accept gifts,
74 grants or donations from public or private sources to enable the
75 account to carry out its objectives. [On and after July 1, 2001, the] The
76 Commissioner of Public Health, in consultation with the Secretary of
77 the Office of Policy and Management, may make grants-in-aid from
78 the trust fund to eligible institutions for the purpose of funding
79 biomedical research in the fields of heart disease, cancer and other
80 tobacco-related diseases, and embryonic and adult stem cell research.

81 [For the fiscal year ending June 30, 2002, the total amount of such
82 grants-in-aid made during the fiscal year shall not exceed two million
83 dollars. For the fiscal year ending June 30, 2003, and each fiscal year
84 thereafter, the total amount of such grants-in-aid made during the
85 fiscal year shall not exceed fifty per cent of the total amount held in the
86 trust fund as of the date such grants-in-aid are approved. Not later
87 than April 1, 2001, the Commissioner of Public Health shall develop an
88 application for grants-in-aid under this section and may receive
89 applications from eligible institutions for such grants-in-aid on and
90 after said date. For purposes of this section, "eligible institution" means
91 (1) a nonprofit, tax-exempt academic institution of higher education, or
92 (2) a hospital that conducts biomedical research.]

93 (b) The Commissioner of Public Health shall develop an application
94 for grants-in-aid under this section and may receive applications from
95 eligible institutions for such grants-in-aid on and after July 1, 2005.

96 (c) For the fiscal year ending June 30, 2006, not less than ten million
97 dollars of the total amount held in the trust fund shall be made
98 available for grants-in-aid to eligible institutions for the purpose of
99 conducting embryonic or adult stem cell research, as directed by the
100 Stem Cell Research Advisory Committee established pursuant to
101 section 3 of this act.

102 (d) For the fiscal year ending June 30, 2007, not less than ten million
103 dollars of the total amount held in the trust fund shall be made
104 available for grants-in-aid to eligible institutions for the purpose of
105 conducting embryonic or adult stem cell research, as directed by the
106 Stem Cell Research Advisory Committee established pursuant to
107 section 3 of this act.

108 Sec. 3. (NEW) (*Effective from passage*) (a) There is established a Stem
109 Cell Research Advisory Committee. The committee shall consist of the
110 Commissioners of Public Health and Economic and Community
111 Development, or their designees, and eight members who shall serve
112 for a term of four years and shall be appointed as follows: Two by the

113 Governor; and one each by the president pro tempore of the Senate,
114 the speaker of the House of Representatives and the majority and
115 minority leaders of the Senate and House of Representatives. All
116 members appointed to the committee shall possess knowledge and
117 understanding of the field of stem cell research and shall work to
118 advance embryonic and adult stem cell research in Connecticut. All
119 appointments to the committee shall be made by November 1, 2005.
120 Any vacancy shall be filled by the appointing authority.

121 (b) The Commissioner of Public Health, or the commissioner's
122 designee, shall serve as the chairperson of the committee and shall
123 schedule the first meeting of the committee, which shall be held no
124 later than December 1, 2005.

125 (c) The Stem Cell Research Advisory Committee shall (1) direct the
126 Commissioner of Public Health with respect to the awarding of grants-
127 in-aid pursuant to section 19a-32c of the general statutes, as amended
128 by this act, to eligible institutions for the purpose of conducting
129 embryonic or adult stem cell research, and (2) monitor the stem cell
130 research conducted by eligible institutions that receive such grants-in-
131 aid.

132 (d) Not later than June 30, 2006, and annually thereafter, the Stem
133 Cell Research Advisory Committee shall report, in accordance with
134 section 11-4a of the general statutes, to the Governor and the General
135 Assembly on (1) the amount of grants-in-aid made pursuant to section
136 19a-32c of the general statutes, as amended by this act, for stem cell
137 research, (2) the recipients of such grants-in-aid, and (3) the current
138 status of stem cell research in the state.

139 (e) Not later than October 1, 2006, the Stem Cell Research Advisory
140 Committee shall submit recommendations to the Governor and the
141 joint standing committees of the General Assembly having cognizance
142 of matters relating to public health and appropriations and the budgets
143 of state agencies concerning the amount of funding necessary to
144 sustain embryonic and adult stem cell research in this state for the

145 biennium ending June 30, 2009.

146 Sec. 4. (NEW) (*Effective from passage*) (a) There is established a Stem
147 Cell Research Peer Review Committee. The committee shall consist of
148 five members appointed by the Commissioner of Public Health. All
149 members appointed to the committee shall have demonstrated
150 knowledge and understanding of the ethical and medical implications
151 of embryonic and adult stem cell research and shall work to advance
152 embryonic and adult stem cell research in Connecticut. All
153 appointments to the committee shall be made by November 1, 2005.

154 (b) Prior to the awarding of any grants-in-aid for embryonic or adult
155 stem cell research pursuant to section 19a-32c of the general statutes, as
156 amended by this act, the Stem Cell Research Peer Review Committee
157 shall review all applications submitted by eligible institutions for such
158 grants-in-aid and make recommendations to the Commissioner of
159 Public Health and the Stem Cell Research Advisory Committee with
160 respect to the ethical and scientific merit of each application.

161 (c) The Commissioner of Public Health may adopt regulations, in
162 accordance with the provisions of chapter 54 of the general statutes,
163 setting forth guidelines for the rating and scoring of such applications
164 by the Stem Cell Research Peer Review Committee.

165 Sec. 5. (*Effective July 1, 2005*) The sum of ten million dollars is
166 appropriated to the Biomedical Research Trust Fund, from the General
167 Fund, for the fiscal year ending June 30, 2006, for embryonic and adult
168 stem cell research.

169 Sec. 6. (*Effective July 1, 2006*) The sum of ten million dollars is
170 appropriated to the Biomedical Research Trust Fund, from the General
171 Fund, for the fiscal year ending June 30, 2007, for embryonic and adult
172 stem cell research.

<p>This act shall take effect as follows and shall amend the following sections:</p>

Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>July 1, 2005</i>	19a-32c
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>July 1, 2005</i>	New section
Sec. 6	<i>July 1, 2006</i>	New section

PH *Joint Favorable Subst. C/R*

JUD

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